

1957 Rights of Way Committee Report

To the citizens of Nantucket this committee submits the following report:

This past year we feel a great lot has been accomplished in protecting the rights of the public through the passing of article 106 at the 1957 Town Meeting.

Article 106

To see if the Town will vote to raise and appropriate the sum of Four Thousand Five Hundred Dollar (\$4,500.00) to purchase a block of 570 and 27/100s sheep commons and 9 shares in Plains and Smooth Hummocks and a block of 29 sheep commons, from the estate of Franklin E. Smith and the Nantucket Cranberry Co. for the purpose of the Town acquiring the controlling interest in the Great Ponds, Proprietor's [sic] roads, and all Common and undivided lands.

In order for the town to purchase these, an enabling act had to be passed by the legislature. The following is a copy of the act, which was passed through the effort of Representative Robert F. Mooney and others.

By acquiring these sheep commons, the town has gained the controlling interest in several areas of beach land, proprietors roads, great ponds and the lands beneath them.

Article 412.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven

An act validating the action of the annual town meeting of the Town of Nantucket in appropriating a sum of money for the purchase of sheep commons and shares in plains and smooth hummocks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows: Section 1. The action of the inhabitants of the town of Nantucket at its annual town meeting held on February nineteenth, nineteen hundred and fifty-seven in voting to raise and appropriate the sum of forty-five hundred dollars to purchase a bloc of 570 and 27/100 sheep commons and 9 shares in Plains and Smooth Himmocks and a block of 29 sheep commons, from the estate of Franklin E. Smith and the Nantucket Cranberry Co. for the purpose of the town acquiring the controlling interest in the Great Ponds, Proprietor's road [sic] and all remaining Common and undivided lands is hereby validated and confirmed, Setion 2. This act shall take effect upon its passage.

House of Representatives, May 27, 1957
Passed to be enacted, Michael Skeny Speaker

In Senate, May 28, 1957
Passed to be enacted, Newland H. Holmes President

June 4, 1957

Approved at 9 o'clock and 50 minutes, A.M.

Foster Furcolo, Governor

Value of Sheep Commons Told.

To the Public:

The Sheep Commons Bill has passed both the House and Senate, and in [sic] now awaiting the Governor's signature. The following letter substantiates this committee's claim that the Town should own the controlling block of Sheep Commons:

Nantucket, Mass.

April 16, 1957

Mr. Robert F. Mooney

State Representative

Boston, Mass.

Dear Mr. Mooney:

I was very pleased to hear that you had filed a bill to make it legal for the Town of Nantucket to buy the sheep commons.

As, you may know, it has recently been announced in the local papers that I had an option to buy the sheep commons last year. It is somewhat disconcerting to have one's personal contacts made public, without one's consent. Nevertheless, it happens to be a true statement.

Perhaps, if you know the story behind my option, it may help you to get this bill passed. I have spent a great deal of time and effort trying to develop an oyster industry here on the Island. It is mandatory to have legal control of Sesachacha Pond to make this feasible; that is why I was interested in the Sheep Commons.

Judge Poland, whom I admire as a lawyer and who, incidentally, thought this case so interesting that he was handling it free of charge, assured me that within six weeks of ownership of the sheep commons I could hold title not only to Seachacha Ponds [sic], but to all the iother Great Ponds, undivided lands, and so on. [Note: This has to do with the 1954 arrest by Officer Hunchard of Arthur Stojak and John Cabral for fishing in the ponds without State fishing licenses. It was concluded at this time that the bottoms of the Great Ponds belonged to the Proprietary and not to the State.] I gave up on the idea because I was unable to obtain a right of way to the ocean over Mr. Richard Colgate's land. Without this right of way we could not control water level, salinity, etc.

There were some other problems. For instance I had a gentlemen's agreement to take title to Gibbs Pond and turn it over to the Cranberry Co. However, I had the full help of the Federal Fish and Wildlife Department, who were willing to send a resident biologist to

the Island to advise on the project. They were most enthusiastic about the success and future of the idea. When the Rights of Way Committee approached me and told me of their agreement with the Smith's [sic] estate, I gave them my full cooperation.

With town ownership, this idea could some day [sic] be fostered on a lease basis and this Island sorely needs new income-producing industry. Recently I had a meeting with the Executive Board of the Fishermen's Association to try and set up some plan agreeable to all to develop this idea. The interest is acute and they have put this problem on their agenda as of when the Town owns the Sheep Commons.

After your discussion if I can be of any help in the Sheep Common matter, please drop me a line.

I want to thank you for the interest you took in the oiled ducks.

Yours very truly.
Harold Lindley

We wish to publically thank Mr. Lindley for his cooperation and support; give our congratulations to Representative Mooney for his able handling of the bill, and our thanks to Attorney John Lyman and all others who gave their support to this special enabling act.

Rights of Way Committee
Charles F. Sayle, Chairman
Elwyn Francis, Sr.
Walter S. Barrett
Clinton Andrews, Secretary

Six petitions were filed with the County Commissioners for the laying out of roads.

- (1) For a road from Hummock Pond Road south westerly to the pond.
- (2) Taking of proprietor's road 4 rods wide, running easterly and westerly, separating the Plains and the Head of the Plains, and stopping about 150 feet short of Hummock Pond.
- (3) Taking of a road 4 rods wide, joining on the east end of the above road, and running easterly about 150 feet to the pond.
- (4) Taking of a triangular piece of land at the head of Clarks Cove (on west side of the pond) to take the Massasoit Bridge layout around the marshy land at the end of the cove.
- (5) Establishing a road connecting the two sections of the Massasoit Bridge Rd. about 1000 ft. back from the ocean, as the location is now only passable by vehicle of 4 wheel drive.
- (6) Petition extending road from south end of the Massasoit Bridge Road in a north easterly direction to Hummock Pond.

All the above have been taken care of by the County Commissioners.

Article 88

To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase, or take by eminent domain, a piece of land 25 feet wide by 41 feet long, more or less, between the Quidnet Road and Sachacha Pond and near the Fire Department Pump House at Quidnet.

Article 87

To see if the Town will vote to raise and appropriate a sufficient amount of money to purchase or take by eminent domain, a piece of land, for a right of way and landing, said land to lay between Sachacha Pond and the Polpis Road about about 80 feet wide more or less.

Article 89

To see if the Town will raise and appropriate \$500.00 to take by eminent domain for a public beach lot 11B, (L.C. Plan 17368A, sheet 2) on the south shore, to the westward of Mioxe Pond about 2500 feet more or less, this lot of owners unknown.

The road from Wauwinet toward Great Point and 2 roads to the ehad of the harbor and one to the ocean is progressing slowly.

The committee wishes to thank the County Commissioners and Selectmen for their cooperation.

Respectfully,

Rights of Way Committee

Charles F. Sayle, Cairman
Clinton Andrews, Secretary
Elwyn Francis, Sr.
Walter S. Barrett